

"His lordship directs me to acquaint you, for the information of the lords of committee of privy council for trade, that he concurs in the views expressed in your letter on this subject, and that it is, in his opinion, preferable, after the repeated remonstrances which have been received from the North American colonies on the subject of the circulation there of the literary works of this kingdom, to leave to the colonial legislatures the duty and responsibility of enacting the laws which they shall deem proper for securing the rights of authors and the interests of the public.

"Lord Grey, therefore, directs me to request that you would move the lords of committee of privy council for trade to take such measures as may be expedient for submitting to the consideration of parliament in the ensuing session a bill authorizing the queen in council to confirm, and finally to enact, any colonial law or ordinance which may be passed respecting copyright, notwithstanding the repugnancy of any such law or ordinance to the copyright law of this country, and containing also the provisions mentioned in your letter in respect to the period at which such colonial law should come into operation.

I am, etc.,

B. HAWES."

Thereupon the following circular despatch was sent by Earl Grey to all the governors of the North American colonies:—

*Earl Grey to the Governors of the North American Colonies (Circular).*

DOWNING STREET, November, 1846.

SIR,—Her majesty's government having had under their consideration the representations which have been received from the governors of some of the British North American provinces complaining of the effect in those colonies of the imperial copyright law, have decided on proposing measures to parliament in the ensuing session which, if sanctioned by the legislature, will, they hope, tend to remove the dissatisfaction which has been expressed on this subject, and place the literature of this country within the reach of the colonies on easier terms than it is at present. With this view, relying on the disposition of the colonies to protect the authors of this country from the fraudulent appropriation of the fruits of labours upon which they are often entirely dependent, her majesty's government propose to leave to the local legislatures the duty and responsibility of passing such enactment as they may deem proper for securing both the rights of authors and the interest of the public. Her majesty's government will accordingly submit to parliament a bill authorizing the queen in council to confirm and finally enact any colonial law or ordinance respecting copyright, notwithstanding any repugnancy of any such law or ordinance to the copyright law of this country; it being provided by the proposed act of parliament that no such law or ordinance shall be of any force or effect until so confirmed and finally enacted by the queen in council, but that from the confirmation and final enactment thereof, the copyright law of this country shall cease to be of any force or effect within the colony in which any such colonial law or ordinance has been made, in so far as it may be repugnant to, or inconsistent with the operation of any such colonial law or ordinance.

I have, &c.,

GREY.

After a lapse of more than forty years, I am charged with the duty of reminding your lordship that the promise contained in that despatch of Earl Grey has never been fulfilled, and respectfully to ask its fulfilment at the hands of your government. The lapse of time which has intervened has strengthened ten fold every one of the reasons which induced it to be made. At the date of that despatch responsible government had hardly been established in the North American colonies; now those colonies have had forty years' experience of self-government, and have a united parliament under a most liberal constitution, a parliament possessing great powers and responsibilities, among which is expressly mentioned the subject of copyright.

The experience which has been gained of colonial legislation has, I hope, not lessened the confidence of her majesty's government in the disposition of that parliament to deal justly with the interests which have been intrusted to its care, and to carry out the views of her majesty's government in matters of imperial policy as far as possible.